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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/502,400	07/26/2004	Akira Ishizaki	018912-167	3494

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BUCHANAN, INGERSOLL & ROONEY PC  
POST OFFICE BOX 1404  
ALEXANDRIA, VA 22313-1404

EXAMINER
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MORGAN JR, JACK HOSMER

ART UNIT	PAPER NUMBER
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3782

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/26/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/502,400	<b>Applicant(s)</b> ISHIZAKI, AKIRA	
	<b>Examiner</b> Jack H. Morgan	<b>Art Unit</b> 3782	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 26 July 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>7/26/04</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Information Disclosure Statement*

1. The information disclosure statement filed July 26, 2004 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. Specifically, documents JP06233368 and JP08011939 were not included, and have not been considered.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 1, 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tanaka et al. (US 6,629,777) in view of McCullough (US 3,288,353). Tanaka et al. disclose a plastic bag film with an air cushion (Fig 8, 12 and 13) having a bag body (Fig 12) having a front side (from 4 between 6a and 10 to 30) and a back side (4 between 6a and 7a) with a tubular member having a plurality of long cells (See Fig 13) and a flap (4 between 6a and 8) with a plurality of cells connected to the cells forming the bag body (See Fig 13) and air injection means (See Fig 8), said air injection means comprising an

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air injector (13) and check valves (5) at each respective cells of the bag body, with a passage (2) for supplying air from the air injector to the check valves. In regards to the applicant's limitation that the flap is pressed between the item contained in the bag body and the front side swollen with air, Tanaka et al. disclose the flap (Fig 12, 4 between 8 and 6a) as being between a part of the front side (30) and the item contained (29), and is capable of being below the inflated section (4), of the front side, specifically, by attaching the tape member (32) higher on the flap (Closer to the 6a side of the flap). Insofar as Tanaka et al. do not specifically disclose the flap pressed between the item contained in the bag body and the front side swollen with air, McCullough discloses a plastic air cushion (Fig 18c, 20) where a flap (32e) is pressed between the item contained in the bag body (F) and the front side swollen with air (32b) in order to firmly contain the item inside and protect it from damage. Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to press the flap between the item contained in the bag body and the front side swollen with air in order to firmly hold the item within the bag body and protect it from damage.

In regards to claim 2, Tanaka et al. does not disclose a recess formed in the inner surface of the front side with the recess engaging a swollen portion of the flap. McCullough discloses a front side (32b) having recesses (applicants "fluted marginal edge", Col 9, line 50) in contact with the corresponding swollen portions of the flap (32e). It would have been obvious to one of ordinary skill in the art to form a recess in the front side of the bag of Tanaka et al. as taught by McCullough et al. in order to

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create a more streamlined and overall smaller package, as well as a greater surface area for contact.

3. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tanaka et al. (US 6,629,777). Tanaka et al. disclose all the limitations of the claim except for the air injector being located at the opening end of the front side of the body, instead disclosing the injector at the flap portion of the body. It would have been obvious to one having ordinary skill in the art at the time the invention was made to move the injector to the opening end of the front side of the body, since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70.

4. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tanaka et al. (US 6,629,777) in view of Elkin et al. (US 5,263,587). Tanaka et al. disclose all the limitations of the claims except for the check valve being provided for the bag body and an air passage for supplying air from the check valve to the cells of the bag body. Elkin et al. teach having a single valve (Fig 3, 50) used to supply a number of parallel cells (36) with air from one air passage (at top of Fig 3). This leads to a reduction in the number of valves, and therefore an easier to manufacture design. Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to create the air injection means of Tanaka et al. (which already uses check valves and air passageways) with a single check valve at the opening, followed by an

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air passage to the cells as taught by Elkin et al. in order to reduce the number of valves necessary and thereby simplify manufacture.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Cliff (US 6,109,440), Bellini (US 4,826,329), Tanaka et al. (JP 2002-225945) and Rat (FR 2,701,697).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jack H. Morgan whose telephone number is 571-272-3385. The examiner can normally be reached on M-Th 8-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on 571-272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jack H Morgan  
Examiner  
Art Unit 3782

  
NATHAN J. NEWHOUSE  
SUPERVISORY PATENT EXAMINER